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REPORT OF THE
JOINT COMMITTEE ON
URBAN AFFAIRS
RELATIVE TO
PUBLIC HOUSING.

(under the provisions of an order
adopted by the Senate on
July 14, 1969
and by the House on
July 28, 1969
[see Senate, No. 1334 of 1969])

February 2, 1970

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The Commonwealth of Massachusetts

THE COMMONWEALTH OF MASSACHUSETTS

REPORT OF THE

JOINT LEGISLATIVE

COMMITTEE ON URBAN AFFAIRS

SUBCOMMITTEE ON HOUSING

JANUARY 28, 1970

The Commonwealth of Massachusetts

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Dave N. Vigneault
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Bruce H. Zeiser

LEGAL COUNSEL

William H. Shaevel, Esquire

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STAFF INTERNS

Mary Hoe

John Kilcoyne

LEGAL CONSULTANT

Alexander Kovel, Esquire, Massachusetts Law Reform Institute

The Commonwealth of Massachusetts

ORDER AUTHORIZING STUDY

Senate No. 1334 of 1969

Ordered, that the committee on Urban Affairs be authorized to sit during the recess of the General Court to investigate and study the subject matter of the current Senate document numbered 1138 and current House documents numbered 1153, 1156, 2436, 2437, 2438, 2439, 2440, 2441, 2919, 3410, 3853, 4330, and 4552. Said committee shall have the power to summon witnesses, subpoena records relevant to its investigation, and to hire research, legal, and clerical employees and travel within and without the Commonwealth. Said committee shall report to the General Court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the House clerk on or before the last Wednesday of January, 1970.

The Committee submits herewith its report relative to Senate 1334 of 1969: An investigation and Study of Low Income Housing. A draft of legislation is also hereto attached:

Respectfully submitted,

JOHN JOSEPH MOAKLEY, Chairman
SAMUEL HARMON
JOSEPH J. C. DICARLO
OLIVER F. AMES
ROBERT S. CREEDON, JR.
MAURICE E. FRYE, JR.
JAMES F. HART
DAVID S. LIEDERMAN

MARTIN A. LINSKY
WILLIAM G. ROBINSON
H. JAMES SHEA, JR.
DANIEL C. TOWSE
DAVE N. VIGNEAULT
RICHARD L. WOOD
BRUCE H. ZEISER

ACKNOWLEDGEMENTS

The Subcommittee acknowledges with gratitude the interest, involvement and suggestions of the members of its advisory committee:

Julius Bernstein, Commissioner, Boston Housing Authority; Leon Charkudian, Acting Commissioner Department of Community Affairs; John Connelly, Commissioner, Boston Housing Authority; John Daly, Executive Director, Malden Housing Authority; Mrs. Albert Feingold, Massachusetts Conference on Human Rights; Chester Hartman, Harvard Graduate School of Design; Robert McKay, Citizens Housing and Planning Association; James Terry, Palmer Dodge; Constance Williams, Department of Community Affairs.

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I. THE CRISIS IN PUBLIC HOUSING

Public housing in Massachusetts is in a crisis: The number of households eligible for public housing far exceeds the number of units available; Much of the existing and occupied public housing is in a deplorable state.

The supply of public housing in Massachusetts is grossly inadequate to house those who need it — our lowest income residents. The Commonwealth, and its housing authorities, by failing to construct new public housing, are depriving citizens of a basic right; the right to a decent home, to safe, standard housing. Currently there are about 260,000 families in Massachusetts living in substandard housing. Of these, half — 130,000 — are eligible for public housing. But there are only 47,672 units in existence, 25,102 of them state-aided, and less than 6,000 of them are vacated each year.

Admission to public housing is almost impossible with the pressing demands being made on the small supply of units. This situation is reflected in the statewide waiting list figures. Statistics collected by the Department of Community Affairs (Exhibit A) during the summer of 1969, showed some 20,000 households — 14,000 elderly and 6,000 families — on waiting lists for state-aided housing as of December 31, 1968. During the year, there were only 3,400 admissions.

From the date of application to that of occupancy, elderly families can expect to wait an average of eight years; families, 3.5 years. Worse yet are the average waiting times for federally-aided projects — 11.4 years for the elderly; six years for families.

Figures (Exhibit B) from local authorities through the Commonwealth reflect the same situation, far more applicants than available units. For example in Cambridge where the average turnover is 175, that is only 175 applicants can gain admission in a single year, there

are 1187 applicants. The waiting list in Fall River is 2580 — 1574 elderly and 1106 families — but the current annual turnover rate is only 318 — 20 units for elderly and 298 for families. Thus it would take over 70 years at the current turnover rate to house the elderly persons now waiting in that city.*

But these figures do not reveal the depth of the crisis. Thousands of eligible citizens who need public housing never apply for it. They do not apply because they feel it is hopeless. Either the projects are over-subscribed or there is no public housing at all. Of the 351 cities and towns in Massachusetts, only 161 communities, less than half, have housing authorities. Of those communities that have housing authorities, more than 20 have not yet built any units. Yet it is certain that in those communities where there are no housing authorities or any units built, there are elderly people and low-income families who need public housing. In many places where there are low-rent units, they are only for the elderly, nothing for families.

There are many reasons for this excessive shortage of public housing units in Massachusetts: the lack of a public commitment to build; the failure of the state to provide incentives to build; the refusal of communities to share in the responsibility of housing low-income persons; and the lack of concerned and qualified persons on local housing authorities and housing boards.

The shortage is not the complete story of Massachusetts' failure to meet its housing responsibilities. The income limits for initial eligibility and continued occupancy are so low as to deny many low-income citizens the opportunity to live in subsidized housing. Again, only half of the 260,000 households in substandard housing are eligible for public housing. The remaining 130,000 are caught in the middle — they desperately need new housing but they cannot afford to pay the high rents demanded by the private market. Neither the private market nor the federally-subsidized moderate income housing programs (235 and 236) are meeting the needs of these people.

Another major failure in Massachusetts stems from the attitude that has prevailed toward public housing during the planning and construction stages and after it is completed. It is generally poorly designed, maintained and administered. Many of the existing projects were built in the late 40's and early 50's. They are densely

*Statistics compiled from personal interviews.

populated, unattractive buildings which are physically, and even psychologically, isolated from the community which exists outside of them. These public housing ghettos not only tend to limit the outlook of the tenants in them, but generate ill-feeling toward them from local residents living in the surrounding vicinity. Little consideration was given to the design of such units and to the need for open space. The needs of tenants to be near places of employment, shopping centers, public transportation, schools and recreational facilities were in many instances given scant attention if indeed at all.

Many projects, now over 20-years old, suffer from problems of maintenance and disrepair. Increasingly, structurally sound buildings are falling into irreparable condition. Local authorities lack the funds to maintain and rehabilitate them. At least four authorities, those in Boston, Chelsea, Lowell and Lynn, are on the verge of bankruptcy and these four represent one-fourth of the state's veteran's projects.

The state has clearly not met its responsibility and commitment to the occupants of these projects. The state subsidy, now set at a maximum of four percent, is not meeting the rising cost of interest payments on projects, now often as high as 6.68 percent. Authorities are forced to pay the remainder of the debt service from their own funds by either raising rents or by scimping on needed repairs.

Police protection and vandalism is another serious problem confronting many housing authorities, especially those in large projects. Authorities have not been able to secure local police officers to patrol projects at night when vandalism and crime are at their peak. Tenants, particularly the elderly, are afraid to go out at night; windows are broken as fast as they can be replaced; and apartments broken into. The authorities most in need of protection are those least able to pay for it.

Administration and management policies in many authorities are often arbitrary, unfair and chaotic, placing increasing burdens upon tenants. There are no set standards for residency requirements, consideration of minor's income, over-income tenants and for compiling waiting lists.

Residency requirements established by authorities vary greatly across the state. About one-half of the authorities claim no residency requirements, others have requirements as harsh as 14 years. Where there is no stated requirement, there are in fact informal require-

ments operating. In many cases stated requirements are often arbitrary and unjust and are used to keep the number of low-income families applying for public housing at a minimum thus discouraging such families from moving into the community. In relatively high-income suburbs, lengthy requirements are the norm to keep the poor and minority groups from moving in.

The consideration given to minor's income in computing the total family income to determine the initial eligibility, rent setting, and continued occupancy of a household, also varies greatly from authority to authority across the Commonwealth. Discrepancy and lack of understanding of law and policy prevail throughout the state; communities are unsure of whether or not to include minor's income in computations. Some include total minor's income; some apply only a percentage; some apply it for some and not for all minors; some do not apply it at all. The present system as administered locally, is unfair and illogical. Many authorities which claim on paper to consider total family income, in fact overlook minor's income if the family does not report it. Thus, honest families are penalized with higher rents, while others escape this additional financial burden. In Chelsea, the director of the authority estimates that only 20 percent of the tenants report minor's income. In Holyoke, the director was aware that many minors established legal residency in cheap rooming houses so their parents would not be penalized by their income. The system thus encourages dishonesty and deviousness.

The policy and management of over-income tenants also is in variance across the state. Most authorities issue eviction notices to over-income tenants asking them to find equivalent standard housing in the private market within six (6) months. Yet in most cases where tenants do not find suitable private housing, the authorities allow them to remain in the projects. But other authorities are strict and follow up their eviction notices on over-income tenants with court action.

Probably the greatest inequity and injustice in the administration of housing programs in Massachusetts is the procedure for compiling waiting lists. While most authorities claim to compile lists according to date of application, this procedure is only a mere formality for keeping records. Instead, the procedure is much more informal and haphazard and subject to great inequities. The names

and cases of a few qualified applicants are given to the commissioners or a tenant-selection committee which chooses the new occupant from them. Tenant selection is an area of unwarranted and unjust political intervention and meddling since some politicians and commissioners use it as a vehicle to repay favors by placing people in a unit. Indeed, one tenant selector stated that she preferred requests from local politicians for it relieved her of having to choose among 4000 applicants to fill an available unit.

The Committee feels strongly that public housing must continue to serve as a major solution to housing our poorest citizens, both elderly and families. The Committee believes that public housing in Massachusetts does not have to be what it has been and is today; that public housing does not have to mean large, ugly and isolated projects that offend the public at large, depress those who live in them, and generally create more problems than they solve. The Committee finds that the Commonwealth has the tools to produce a new kind of public housing — small buildings, scattered throughout the community, in which tenants can participate in the management of their homes and be part of the greater community. The Committee believes that the Department of Community Affairs can accomplish much administratively and urges that Department to act as an aggressive agent to improve public housing conditions and add to the inventory of public housing units.

We recognize and accept the magnitude of the crisis facing us and realize that delaying solutions increases both costs and the severity of the problems. The Committee, therefore, proposes legislation and makes recommendations to the Department of Community Affairs for further study to increase the supply of public housing in the Commonwealth and to improve the quality of existing housing and that which will be constructed in the future.

II. RECOMMENDATIONS TO DEPARTMENT OF COMMUNITY AFFAIRS

1. That tenants be fully informed of all their legal rights

The legal rights and obligations of tenants are often not clarified and simply enough defined for the tenant. This may lead to confusion and alienation from policies and management practices. In order to improve relationships between tenants and administration

and to remove the unfairness in some present authority procedures, tenants must be fully informed of their legal rights.

2. *That procedures be developed for informing ineligible applicants of the reasons for their rejection.*

Under the current system utilized by many authorities, tenant selectors are slow to inform ineligible applicants of their rejection and when they do, reasons for rejection are not given. Applicants must be informed immediately of their rejection and must also be informed of the reasons for rejection. Appeal procedures should also be clearly defined.

3. *That the Department of Community Affairs develop a standard non-punitive lease*

The leases now utilized by housing authorities across the state vary, with some more punitive than others. The Department of Community Affairs with its broad administrative powers should develop a standard non-punitive lease, which is simple and clear. This lease should serve to protect the tenant from certain inequities now placed on him.

4. *That the Department of Community Affairs encourage breakthroughs of existing units to form larger units.*

Public housing in Massachusetts is particularly guilty of not meeting the needs of low-income large families. And it is these large families who most need public housing. They are particularly hard hit by the private housing market. Landlords often do not rent to large families or do not have large enough units, and when they do the families are forced to pay rents too high in relation to their incomes.

A few authorities in the state do take cognizance of the needs of these families and have broken through existing units to form a larger one. However, more authorities must be encouraged to do the same.

5. *That existing concentrations of public housing be broken up, modernized, and sold to tenants.*

Existing public housing projects, often over 20 years old, are frequently ugly large scale ghettos in deplorable condition. Authorities, lacking the money and staff, are unable to manage, maintain and modernize these projects. As existing concentrations of public housing are broken up, modernized and sold to tenants, authorities will be relieved of onerous financial, managerial and maintenance problems, allowing time, money and staff to be devoted to new construction.

In addition, tenants owning their own homes would take pride in their apartments and provide better maintenance. They would have incentive to improve themselves both financially and socially, for they would no longer have to keep their incomes down to public housing levels and would not be branded as public housing tenants.

6. That the Department of Community Affairs take steps to improve the Rental Assistance Program.

As indicated, there is an extreme shortage of public housing in Massachusetts. In order to increase the supply, the state must encourage communities to take advantage of all available public housing programs and must make these programs attractive and feasible. Rental Assistance is one, fairly new state program which has not been utilized to its full extent. Indeed, as of December 31, 1968, there were only 118 units under the state Rental Assistance program as contrasted to 3,533 units under the similar federal Leased Housing program in Massachusetts.

The Rental Assistance program as currently established allows local housing authorities to rent units in privately owned buildings and to sublet these same units at lower rents to persons eligible for public housing. Both the units and the buildings must meet certain minimum standard code requirements. This program, therefore, provides an immediate increase in the supply of public housing and bypasses the time-lags and problems of construction. The program also is advantageous in allowing tenants to remain as part of the larger community, thereby avoiding the problems of large, isolated concentrations of public housing.

The Rental Assistance program, however, must be improved and communities encouraged to participate in it. Several authorities, although interested in the state program and participating in the federal program, find the state program unworkable. Holyoke, for example, although in extreme need of more public housing, is unable to utilize the program. There are thousands of structurally sound vacant buildings in Holyoke which might be rehabilitated for Rental Assistance, and the owners of these buildings are willing to participate. However, the limitation that only 25% of the units in a building with over 10 units (and 20% in buildings bounded by public ways) may be utilized for Rental Assistance provides problems. Many of the buildings are in need of modernization in order to bring them up to the necessary standard code requirements. The owners are not able to pay the costs for this, and the state will currently only pay

modernization costs for the 25% of the units utilized. As a result the buildings are not being used for Rental Assistance.

The state Rental Assistance program, as in this case and as it is financially administered must be improved and made more adaptable to the problems and needs of local communities.

7. That the Department of Community Affairs investigate rent setting procedures.

The current method of computing rents, as a percentage of total family income, is a disincentive and penalizes those tenants who strive to increase their earnings and savings. Under this system, as earnings increase so do rents. People are unable to save enough to buy or rent a home on the private market, and are forced to remain in public housing.

Several alternate systems for rental determination are available. The procedure of fixed rents (based on unit size and size of family) is currently utilized in New York City and also in Massachusetts for public welfare recipients. The system of basing rental determination only on income from the first 40 hours of work of the primary wage earner has been urged by the federal government. Another possibility is to increase the number of exemptions from income for purposes of rental determination.

All of these systems must be more fully considered, and a better alternative to the current method devised.

III. RECOMMENDATIONS FOR FURTHER STUDY BY THE SUB-COMMITTEE

1. Further investigation of the possibility of regional authorities, and/or a State Development Corporation.

Currently, most public housing in Massachusetts is concentrated in the larger cities. This forces extreme economic and social burdens onto the inner city, relieving suburban and rural communities of their responsibility. But the burdens of housing our lowest income citizens should not be left to our large cities, rather the problem is a state-wide one, not specific to any one community.

The creation of regional authorities and/or a State Development Corporation would serve to alleviate the burdens placed on the inner city, and to break up the strong concentrations of public housing in

one specific locality. Projects could be scattered throughout a much larger area, and greater consideration given to the idea of a socially and economically integrated society. Housing might be located closer to places of employment away from the central city.

The creation of regional authorities and/or a State Development Corporation would also provide a better picture of the total housing needs in the state, thereby allowing for better planning and development.

2. Further investigation of the present commissioner systems and of alternative agency structures for public housing.

As currently established, local housing authorities are composed of 5 board members. In cities, 4 are appointed by the Mayor and 1 by the Governor, in towns, 4 are elected and 1 appointed by the Governor. The board, which should deal only with policy, appoints an executive director who administers the program. However, in many cases commissioners overstep their roles and meddle in the daily administrative procedures of the authority. Often they act as barriers to the construction of new housing by refusing to recognize the need for it. In some cases though, a strong board is useful to interpret housing needs to the Community and lobby for new housing.

It appears necessary to investigate more fully the role of the commissioners both within the authority structure and as they relate to the community as spokesmen for public housing. Alternatives to the present system must be considered; one possible alternative is to create a line agency with an executive appointed by the Mayor and directly responsible to him, with perhaps elected or appointed trustees to oversee the financial aspects of housing. Another possibility could be the combining of urban renewal and public housing functions into one agency under one board.

3. Further investigation of the proper degree of scatteration of public housing (taking into account population density) and proper consideration of the design of these units.

Public housing as it now exists is often discouraging and forbidding. Large, isolated projects often create as many problems as they hope to solve. These densely populated projects become ghettos (social, economic and racial) removed from the larger community; tenants are forced to live in an isolated world. Large concentrated projects also bring other problems, such as police

protection, vandalism, maintenance problems, and overpopulated schools. Tenants in these projects are often denied services afforded other citizens: snow removal, sanitation, open space and recreational facilities, and propinquity to places of work and shopping centers.

In the future, public housing, where possible, should be scattered throughout the community and less densely populated. This will provide for more economically and socially integrated communities, and alleviate some of the problems of forcing all low-income persons into one small geographic area. Tenants living in more attractive buildings scattered among privately owned ones, will take more pride in their homes, decreasing maintenance costs. Public housing occupants will be readily provided with the services other citizens receive and schools will be less crowded.

In addition more consideration must be given to the design of future projects. For example, experience has shown that high-rise buildings with little open space, while generally unsuitable for large families, are perfectly suitable for the elderly and small families. Spacial design of buildings must also be considered. Thus buildings must be constructed such that units open not onto dark hallways, but onto the outside. Special needs of tenants, the elderly, the disabled and families must be an integral part of design.

4. *Further investigation of the possibility of computing numbers of persons eligible for and/or in need of public housing by including such data in the census.*

Currently, there are no accurate statistics on the need for public housing in Massachusetts. Although there are statistics on the number of persons on waiting lists, there is no accurate accounting of those eligible for, and in need of public housing, who do not apply. In order to set state and local goals for new construction, these statistics are necessary.

The lack of accurate statistics on the need for public housing in a particular locality, allows communities to close their eyes to this need. They can claim that since there are no applicants, there is no need. However, by confronting communities with statistics, the state can force communities to accept their responsibility.

Statistics on the need for more housing on a regional and state-wide basis will also permit better planning and development.

IV THE PROPOSED LEGISLATION

A. *Full debt service*

The state is not now providing housing authorities with enough money for interest payments on the notes and bonds used to finance the projects. As currently established the state pays a maximum of 4% toward the interest on these loans, 2½% with a 1½% contingency payment. But interest rates are rising and in some communities, authorities forced to shoulder the additional debt service costs, are facing bankruptcy. These authorities must divert funds from necessary repairs, or must raise rent levels to meet their commitments.

This legislation proposes that the state provide full debt service for all state-aided projects, thereby relieving authorities of unnecessary financial burdens. This legislation is in line with the current procedure by the federal government whose practice is to pay full debt service.

B. *30% elderly ceiling*

For elderly tenants, rents in public housing are often as high as 50% of their income. Elderly persons living on small social security payments and/or Old Age Assistance receive less than \$2,000 annually (\$167 monthly) and are forced to pay minimum rents as high as \$60 a month. This forces them to scimp on food, clothing, transportation, medical care and recreation. The Subcommittee, therefore, proposes legislation requiring that no elderly person pay more than 30% of his income for rent.

C. *Imposing an obligation to build*

The great shortage of public housing in Massachusetts must be met by a great increase in construction of new units. Many communities have not built since 1955, and 190 towns do not even have an authority. These cities and towns by refusing to build are shirking their responsibility, and forcing the poor out of their communities and into cities and towns which do have housing. Lazy and unresponsive communities must be forced to build their fair share.

A possible solution is to impose an obligation to build on all communities in the Commonwealth. Under the legislation proposed by the Subcommittee, communities would be forced to establish authorities where non-existent and to create new public housing

equal to 10% of their current waiting list or equal to 10% of the need for this housing as determined by reliable statistics. The Department of Community Affairs would be empowered to act as an authority when and where this obligation is not being met.

D. Encourage use of Chapter 705 Program

The legislature, two years ago authorized \$37,500,000 (over 1200 units) for the construction of scattered site public housing for families (Chapter 705). In order to house the over 6000 applicants for state-aided family housing now on waiting lists, these units must be built. Communities, however, are slow to build this much needed family housing. Many communities instead prefer to build less controversial and more popular housing for the elderly. Indeed not one community in Massachusetts has built low-rent family housing since 1955.

The Subcommittee proposes legislation to require that for every 5 units of elderly housing, a community must build 1 unit of family housing. This legislation would encourage communities, eager to build elderly housing, to build a reasonable amount of family housing.

E. Modernization

Currently most authorities in the Commonwealth are in drastic financial straits (4 major authorities are on the verge of bankruptcy). There is no money available for modernization and needed repairs. In Chelsea, one project with 105 families, is still using its 17 year old boiler. This boiler is in extremely bad repair, threatening to break down or explode at any time. Indeed, during 6 weeks in September and October the boiler broke down twice. In Lynn, the chimneys of one project were in such bad repair that the authority was put under a city injunction to improve this hazard within 30 days.

Housing authorities are allowed to keep a certain amount of money in an operating reserve for such emergencies. However, most authorities have a scant operating reserve or none at all. Lynn, for example, has a deficit in its reserve.

The state must provide monies to authorities for needed maintenance and modernization. If these funds are not provided immediately, projects will fall into such bad repair that condemnation of buildings will result, thereby decreasing the state's scant supply of public housing. The Subcommittee therefore proposes legislation to authorize bonds for modernization of up to \$15,000,000.

An important aspect of this legislation is the requirement for tenant participation. It is important that the tenants who live in projects and who often know and experience the most crucial problems of maintenance should be consulted in any plans for modernization. This requirement will also help to soften the sometimes hostile and antagonistic relationships between tenants and authority staff.

F. Waiting lists and Increasing Income Limits

1. There are great inequities and variations in the current procedures for compiling waiting lists across the state. Applicants are penalized by the political nature and lack of rationality in the present system. Only in a few cities in this procedure rational and just.

The inequities of the present system and the extreme length of lists require a simplified but just procedure for the compilation of waiting lists. The Subcommittee therefore proposes legislation requiring that waiting lists be compiled on a strictly numerical basis according to date of application within certain categories. The legislation establishes 4 categories of applicants: 1) persons and families displaced for the construction of the project, 2) persons and families displaced by other public action, 3) persons and families in emergency situations, and 4) all other applicants; with persons in category 1 receiving first priority, those in category 2 receiving second priority, etc. Within each category applicants will be further defined according to family and elderly, and according to necessary size of unit. In category 4 the lists will also be broken down according to veterans and non-veterans. When a vacancy occurs the unit will be offered to an applicant with the lowest number for that type of unit.

The Subcommittee feels that this legislation provides that all applicants will be given a fair and just chance to gain admission to public housing.

2. Currently income limits for initial eligibility and continued occupancy are extremely low. As a result, many persons who are in great need of low rent housing (because they are unable to find suitable private housing) are denied even the chance to apply for public housing.

The Subcommittee also feels that it is important to create viable

communities. By raising income limits, the opportunity to develop economically balanced neighborhoods would be present.

Adherence to the proposed strict waiting list system would insure that all families have an equal chance at any available housing.

G. Tax Incentive Payment

The state provides few incentives to build public housing. Indeed, the construction of more public housing is most often seen as a tax loss by communities. Towns and cities are expected to construct more housing which offers the possibility, real or imagined, of increased school enrollment, and increased need for city services. Yet, in constructing this new housing they receive no real increase in tax dollars. Currently housing authorities pay only a small amount of money in lieu of taxes to the municipality. This money is hardly sufficient to meet the costs to the Community for providing services to tenants.

The Subcommittee therefore, proposes legislation to reimburse towns and cities full value for all public housing constructed after June 30, 1970. This legislation would provide an incentive to communities to build more housing, and would aid local governments in providing services to its occupants.

H. Police Protection

A major problem facing authorities, especially those in large cities and those with larger projects, is police protection. Authorities are simply unable to encourage regular policemen to patrol projects at night when vandalism and crime are rampant. Tenants, especially the elderly, are afraid to go out, windows are broken, and apartments broken into. The Committee on Urban Affairs last year heard a full day of horror-filled testimony from fear stricken tenants. Therefore the Subcommittee proposes legislation to provide that in every project with over 200 units there be one foot patrolman for every 200 units from noon to 11 P.M.

The Housing Authority would be required to hire regular police officers under contract with local police departments.

I. Providing Low-Rent Housing For Handicapped And Blind

The disabled and blind citizens of Massachusetts were forgotten in the planning of earlier public housing projects. These persons are often unable to find jobs and live on small pensions. They require low cost housing which is designed to meet their physical needs. This housing is not available on the private market.

The Subcommittee, therefore, proposes legislation allowing eligible handicapped and blind persons and families where the primary wage-earner is handicapped or blind admission to elderly projects regardless of age. The legislation also requires that all elderly projects be designed and constructed to alleviate the need for low-rent housing for eligible handicapped persons in a particular community.

J. Optional Regional Authorities

Many authorities, especially new ones, in the smaller towns and cities of the Commonwealth suffer from a lack of expertise and staff, which inhibits their ability to build. Small new authorities far removed from the Department of Community Affairs' Boston headquarters are faced with a lack of manpower, money and know-how. They seek the Department of Community Affairs' assistance and assistance from other more developed authorities. In other small communities there is often only a small population of persons needing public housing, not enough to be dealt with efficiently. In order to deal with these problems, the Subcommittee proposes legislation to allow the creation of regional housing authorities.

K. Residency Requirements

Residency requirements are extremely varied across the Commonwealth. They are often arbitrarily and irrationally imposed. Communities, especially in the wealthier suburbs, by imposing lengthy requirements, attempt to keep down their low-income population and keep poor and minority group members from moving out from the inner city. These requirements, therefore, often force the larger inner cities to shoulder an extremely heavy burden, that of housing most of the state's low-income population. Under present requirements, citizens seeking public housing are denied their right as citizens to move freely within the state. And in many cases, persons living in communities where there is no public housing available, are currently unable to move elsewhere to find this housing.

The Subcommittee therefore, proposes legislation to abolish residency requirements, in order to do away with many of these inequities. This legislation coupled with other provisions of this package will provide a more equitable and even distribution of low-income families across the Commonwealth.

L. Exempting Tuition Costs

By exempting tuition costs and scholarship monies from total

family income for purposes of rental determination, tenants will be encouraged, not discouraged, from seeking a formal education. This legislation will help to alter the "dead-end philosophy" of tenants and provide them with incentives for self-improvement.

M. Over-Income Tenants and Minors' Income

1. The Subcommittee proposes legislation to allow over-income tenants to remain in public housing providing they pay the full cost of their unit up to 20% of their income if utilities are not included and 25% of their income if utilities are included. Currently, authorities give eviction notices to over-income tenants, asking them to find suitable housing in the private market within 6 months. However, in most cases, eviction proceedings are never taken to court. Through the proposed legislation the Subcommittee seeks to standardize practices across the state. The higher rents of the higher-income tenants will increase the income to the authority thereby allowing them to lower rents for low-income tenants.

2. The determination of whether to include minors' income in computations of total family income for initial eligibility, rental determination, and continued occupancy varies from authority to authority. Even within individual authorities, there is often no set procedure. The legislation to exclude minors' income from total family income for all computations will standardize this policy across the Commonwealth. This legislation is based on the realization that parents, whether in public or private housing, seldom see the income of their children. Indeed, in the private sector rents do not increase with increases in a minor's income. The legislation will also provide incentives for children of low-income families to save for education and future self-improvement.

N. Eviction Charges

As currently established, authorities are required to hold hearings before all evictions other than non-payment of rent. Authorities, however, find this a troublesome and expensive procedure. Therefore, when wishing to evict a noisy or otherwise unwanted tenant, they issue him a fine which is added to rental payment. When the tenant fails to pay this fine, he is evicted for non-payment of rent without a hearing.

The subcommittee proposes legislation which would forbid this onerous and unfair practice among housing authorities. Under this legislation, rent for purposes of eviction is defined to exclude any fines which the authority might add.

Q. Financing Retirement Rights of Veterans Employed by Housing Authorities

Prior to 1965 contributions by housing authorities to veteran employee pensions were paid into municipal retirement system. In 1965, a separate retirement system was established. However, the housing authority cannot obtain their contributions prior to 1965 from the municipal retirement system.

The purpose of this bill is to correct an inequity of requiring a housing authority to pay a non-contributory pension to an employee while the employer's contribution including their own is in the local city or town contributory retirement fund or in other contributory funds. A Supreme Court decision ruled that the local retirement system is not responsible but the housing authority is.

V. CONCURRING REPORTS

Representative Daniel Towse

Although I agree in principle that public housing is in a crisis and I concur and endorse the Majority Report of this committee, I feel it incumbent upon myself to express my disapproval with certain legislative recommendations attached hereto: Namely,

Appendix C — An Act Requiring the Building of More Public Housing

Appendix F — An Act establishing a waiting list

Appendix K — An Act eliminating residency requirements

Appendix M — An Act relative to over-income tenants and minor's income

My position in respect to these proposals is that first, these suggestions will only extend the long waiting lists now existing and create additional frustrations without making sufficient tools to markedly increase the number of units and secondly, these proposals do away with local autonomy. I firmly believe that this matter properly belongs within local jurisdiction because they best can assess their own needs.

Respectfully submitted,
DANIEL C. TOWSE
Representative

Representative Richard L. Wood

Although I also agree and concur in principle with the majority report of this committee, I wish to point out my disagreement with the following proposals:

Appendix C — An Act requiring the building of more Public Housing

Appendix I — An Act providing more low-rent housing for handicapped persons

Appendix K — An Act eliminating residency requirements

Respectfully submitted,
RICHARD L. WOOD
Representative

METHOD OF STUDY

The Subcommittee in investigating public housing in Massachusetts developed a questionnaire which was sent to the executives of the 161 Public Housing Authorities in the Commonwealth. The Representatives on the Subcommittee also visited the directors of 20 authorities selected on the basis of variation in size and location. During these interviews the representatives concentrated on various areas of emphasis which appeared prominent in the replies to the questionnaire. Further information was gathered from telephone calls to authorities and from statistics compiled by the Department of Community Affairs. An advisory committee of experts and interested persons was consulted for ideas and information.



EXHIBIT A

WAITING LIST STATISTICS FOR
PUBLIC HOUSING IN MASSACHUSETTS*

	No. Of Housing Units December, 1968**	Estimate No. Of Households On Waiting Lists	Estimate No. Of Admissions 1968	Estimate Waiting Time For Admissions
State-Aided				
Elderly Families (Veterans)	9,972	14,000	1,700	8 Years
Total	<u>15,130</u> 25,102	<u>6,000</u> 20,000	<u>1,700</u> 3,400	3.5 Years
Federally- Aided				
Elderly Family	4,118	11,400	1,000	11.4 Years
Total	<u>18,451</u> 22,569	<u>8,400</u> 19,800	<u>1,400</u> 2,400	6 Years
Total No. Units In State	47,671	Not Available***	5,800	

* Compiled by the Department of Community Affairs

** Figures do not include units of leased housing and rental assistance which totals 3,651 (3,533 leased and 118 Rental Assistance)

***Some Elderly and Families are on waiting lists for both Federal and State Aided developments

EXHIBIT B

Information collected during interviews with directors of 20 selected housing authorities and from the Department of Community Affairs.

TABLE 1: State-aided public housing units constructed in the last 10 years for 20 selected authorities.

TABLE 2: Approximate dates of occupancy for last state-aided public housing projects built by 20 selected authorities.

TABLE 3: Number of State Rental Assistance units and Federal Leased Housing units for 20 selected authorities, as of December 31, 1968.

TABLE 4: Number of units, number of households on waiting lists, and number of admissions for 20 selected authorities, 1968.

TABLE 5: Problems of police protection and vandalism, and number of projects with over 200 units for 20 selected authorities.

TABLE 6: Policy on residency requirements for 20 selected authorities.

TABLE 7: Policy on including minor's income as part of total family income for computations of initial eligibility, rental determination, and continued occupancy for 20 selected authorities.

TABLE 8: Attitudes toward raising income limits and policy of handling over income tenants for 20 selected authorities.

TABLE 1
STATE-AIDED PUBLIC HOUSING UNITS
CONSTRUCTED IN THE LAST 10 YEARS FOR
20 SELECTED AUTHORITIES*

	1960-1964		1965-1969	
	Family	Elderly	Family	Elderly**
Arlington	0	100	0	136
Boston	0	160	0	250 *
Brockton	0	120	0	216
Brookline	0	0	0	0
Cambridge	0	0	0	0
Chelsea	0	0	0	210
Chicopee	0	68	0	232
Fall River	0	0	0	301
Fitchburg	0	56	0	0
Holyoke	0	0	0	0
Lawrence	0	0	0	0
Lowell	0	0	0	0
Lynn	0	0	0	0
Malden	0	103	0	150
New Bedford	0	0	0	0
Quincy	0	75	0	150
Somerville	0	100	0	100
Watertown	0	0	0	164
Westfield	0	52	0	60
Worcester	0	0	0	0
Total	0	834	0	1969

* Statistics compiled by the Department of Community Affairs

**Several Elderly projects are still under construction

TABLE 2

APPROXIMATE DATES OF OCCUPANCY FOR
LAST STATE-AIDED PUBLIC HOUSING PROJECTS BUILT BY
20 SELECTED AUTHORITIES*

Authority	Family (Ch. 200)	Elderly (Ch. 667)
Arlington	November, 1953	April, 1969
Boston	December, 1952	April, 1969
Brockton	December, 1952	January, 1969
Brookline	November, 1950	April, 1959
Cambridge	August, 1952	-----
Chelsea	August, 1954	March, 1970
Chicopee	September, 1951	June, 1970
Fall River	December, 1951	January, 1969
Fitchburg	November, 1950	July, 1962
Holyoke	August, 1951	August, 1960
Lawrence	December, 1951	-----
Lowell	July, 1951	April, 1958
Lynn	December, 1951	August, 1959
Malden	December, 1951	September, 1970
New Bedford	October, 1951	March, 1957
Quincy	November, 1950	January, 1969
Somerville	November, 1951	September, 1970
Watertown	June, 1952	September, 1969
Westfield	May, 1951	March, 1970
Worcester	October, 1951	July, 1963

*Statistics compiled by the Department of Community Affairs

TABLE 3

NUMBER OF STATE RENTAL ASSISTANCE UNITS
AND FEDERAL LEASED HOUSING UNITS FOR
20 SELECTED AUTHORITIES,
AS OF DECEMBER 31, 1968*

	State Rental Assistance	Federal Leased Housing
Arlington	0	0
Boston	0	940
Brockton	0	0
Brookline	0	100
Cambridge	0	85
Chelsea	0	0
Chicopee	0	0
Fall River	0	600
Fitchburg	0	0
Holyoke	0	250
Lawrence	0	0
Lowell	0	0
Lynn	0	150
Malden	0	200
New Bedford	0	625
Quincy	38	150
Somerville	0	0
Watertown	0	0
Westfield	0	0
Worcester	0	125
Total	38	3,225

*Statistics compiled by the Department of Community Affairs

TABLE 4

NUMBER OF UNITS, NUMBER OF HOUSEHOLDS ON
THE WAITING LISTS, NUMBER OF ADMISSIONS AND
NUMBER OF VACANCIES FOR 20 SELECTED AUTHORITIES*

A. Federally-Aided Family Housing

Authority	Total Number Of Units, Dec. 31, 1968	Number Of Households On Waiting List Dec. 31, 1968	Admissions During 1968	Vacancies, Dec. 31, 1968
Arlington	0	0	0	0
Boston	10046	2452**	NA	611
Brockton	224	700**	0	0
Brookline	72	36	4	0
Cambridge	893	357	77	0
Chelsea	200	200**	NA	NA
Chicopee	307	108	182	0
Fall River	879	791	205	0
Fitchburg	0	0	0	0
Holyoke	482	25	102	5
Lawrence	500	257	102	6
Lowell	1074	489	143	20
Lynn	300	20	100	0
Malden	250	180	25	0
New Bedford	900	NA	NA	NA
Quincy	180	850	21	NA
Somerville	220	102	28	7
Watertown	0	0	0	0
Westfield	0	0	0	0
Worcester	600	273	159	0

NA = Not Available

**Statistics compiled from interviews—include both state and federal.

B. State-Aided Family Housing

Authority	Total Number Of Units, Dec. 31, 1968	Number Of Households On Waiting List Dec. 31, 1968	Admissions During 1968	Vacancies, Dec. 31, 1968
Arlington	176	72	22	0
Boston	3658	2452*	NA	93
Brockton	174	700*	42	0
Brookline	291	54	23	0
Cambridge	712	183	70	0
Chelsea	294	200*	NA	NA
Chicopee	226	269	48	0
Fall River	427	344	72	1
Fitchburg	160	13	28	0
Holyoke	219	0	50	0
Lawrence	451	121	138	6
Lowell	292	11	105	1
Lynn	523	15	150	20
Malden	220	86	28	0
New Bedford	330	NA	NA	NA
Quincy	400	1200	80	NA
Somerville	456	302	0	6
Watertown	228	27	23	0
Westfield	62	9	17	0
Worcester	594	89	111	0

NA = Not Available

*Statistics compiled from interviews—include both state and federal.

TABLE 4 (continued)

C. Federally-Aided Elderly Housing

Authority	Total Number Of Units, Dec. 31, 1968	Number of Households On Waiting List Dec. 31, 1968	Admissions During 1968	Vacancies, Dec. 31, 1968
Arlington	0	0	0	0
Boston	732	1696*	NA	6
Brockton	200	550*	12	0
Brookline	128	309	10	0
Cambridge	88	369	7	0
Chelsea	56	375*	NA	NA
Chicopee	0	0	0	0
Fall River	240	1377	11	0
Fitchburg	0	0	0	0
Holyoke	150	511	4	0
Lawrence	373	1015	16	0
Lowell	140	457	140	0
Lynn	176	740	12	0
Malden	100	810	10	0
New Bedford	0	0	0	0
Quincy	0	1000	0	0
Somerville	142	474	15	0
Watertown	0	0	0	0
Westfield	0	0	0	0
Worcester	477	947	241	0

NA = Not Available

*Statistics compiled from interviews—include both state and federal.

D. State-Aided Elderly Housing

Authority	Total Number Of Units, Dec. 31, 1968	Number of Households On Waiting List Dec. 31, 1968	Admissions During 1968	Vacancies, Dec. 31, 1968
Arlington	172	400	16	0
Boston	160	1696*	NA	1
Brockton	210	550*	20	0
Brookline	60	104	11	0
Cambridge	0	0	0	0
Chelsea	56	375*	NA	NA
Chicopee	382	185	21	0
Fall River	152	NA	152	0
Fitchburg	104	13	18	0
Holyoke	82	10	2	0
Lawrence	0	0	0	0
Lowell	0	0	0	0
Lynn	212	750	24	0
Malden	165	810	7	0
New Bedford	75	NA	NA	NA
Quincy	120	1000	8	NA
Somerville	164	373	9	0
Watertown	40	336	0	0
Westfield	102	7	13	0
Worcester	75	947	11	0

NA = Not Available

*Statistics compiled from interviews—include both state and federal.

TABLE 5

PROBLEMS OF POLICE PROTECTION AND VANDALISM,
AND NUMBER OF PROJECTS WITH OVER 200 UNITS FOR
20 SELECTED AUTHORITIES*

Arlington	negligible vandalism, good rapport with local police no projects with over 200 units
Boston	current protection totally inadequate 9 (state-aided) projects with over 200 units (8 fam. — 1 eld.) 15 federally aided projects with over 200 units (15 fam.)
Brockton	no real problem, hire police occasionally 1 state-aided project with over 200 units (eld.)
Brookline	presently contract with local police, need money though 1 state-aided project with over 200 units (fam.)
Cambridge	not getting protection 2 state-aided projects with over 200 units (fam.) 2 federally-aided projects with over 200 units (fam.)
Chelsea	vandalism among project children, financial problem in hiring police (\$30 a night per policeman) 1 state-aided project with over 300 units (eld.) 1 federally aided (fam.)
Chicopee	call in policemen occasionally 1 state-aided project with over 200 units (fam.)
Fall River	vandalism problems, have 2 private detectives from 6 p.m. until 1 a.m. 3 federally-aided projects with over 200 units (fam.)
Fitchburg	no vandalism, no projects with over 200 units
Holyoke	some problems with vandalism 1 state-aided project with over 200 units (fam.) 1 federally aided (fam.)
Lawrence	some vandalism, get good cooperation from local police 1 state-aided project with over 200 units (fam.) 2 federally-aided projects with over 200 units (fam.)
Lowell	need for protection, now hire 1 local policeman 1 state-aided project with over 200 units (fam.) 2 federally aided (fam.)
Lynn	increasing vandalism problems, hire police sporatically 1 state-aided project with over 200 units (fam.) 1 federally-aided project with over 200 units (fam.)
Malden	vandalism problems 1 federally-aided project with over 200 units (fam.)

New Bedford	not serious problem, adequate police protection 4 federally-aided projects with over 200 units (fam.)
Quincy	no vandalism problems, have voluntary tenant constables good cooperation from police 1 state-aided project with over 200 units (fam.)
Somerville	need for police protection, now pay \$500/month for ineffective police in projects, desire more structured approach 2 state-aided projects with over 200 units (fam.) 1 federally-aided project with over 200 units (fam.)
Watertown	no vandalism no projects with over 200 units
Westfield	minor vandalism no projects with over 200 units
Worcester	heavy problem, now employ one part-time officer 2 state-aided projects with over 200 units (fam.) 1 federally-aided project with over 200 units (fam.)

*information compiled in interviewing and from the Department of Community Affairs

TABLE 6

POLICY ON RESIDENCY REQUIREMENTS FOR
20 SELECTED AUTHORITIES*

Arlington	5 year rigid requirement for elderly 6 month requirement for families with priority given to long time town veterans
Boston	1 year requirement, waived in exceptional circumstances
Brockton	5 year requirement, commissioners against lowering to 1 year
Brookline	10 year requirement for elderly 4 year requirement for families
Cambridge	3 year requirement, waived for emergencies and displacements
Chelsea	6 month requirement
Chicopee	no requirements
Fall River	1 year, no justification except preference to residents, waived for Newport servicemen in 1 project
Fitchburg	6 months stated requirement, but informal, tenant selector uses discretion
Holyoke	6 months, waived 3 years ago, reinstated recently
Lawrence	1 year, but flexible with no rigid limits
Lowell	1 year stated requirement, not enforced for families, but strictly followed for elderly
Lynn	no formal requirement, but preference to residents
Malden	5 year requirement, never waived, except to give temporary housing for families burned out
New Bedford	1 year, never waived
Quincy	3 year requirement, waived for emergencies, used to establish priority
Somerville	accept all applications, hold until fulfill 6 month residency requirement
Watertown	“longtime residents given preference”

Westfield no formal requirement, residents given priority

Worcester 6 months residency at any time prior to application

*information compiled in interviews

TABLE 7

POLICY ON INCLUDING MINOR'S INCOME AS PART OF TOTAL
FAMILY INCOME FOR COMPUTATIONS OF INITIAL
ELIGIBILITY, RENTAL DETERMINATION, AND CONTINUED
OCCUPANCY FOR 20 SELECTED AUTHORITIES*

Arlington	consider only if reported by family favor consideration of only 10% of minor's income and no consideration of the income of students
Boston	consider minor's income for initial eligibility and rental determination, but not for continued occupancy favor elimination of minor's income in all computations
Brockton	consider for all income calculations favor change to deduction of minor's income up to \$600
Brookline	not considered at all
Cambridge	consider minor's income for initial eligibility and rental determination, but not for continued occupancy favor elimination of minor's income in all computations
Chelsea	about 20% tell the truth in reporting favor including only if full-time employment
Chicopee	overlook if not reported favor elimination of minor's income in all computations
Fall River	consider minor's income if regular for initial eligibility and rental determination, but not for continued occupancy favor elimination of minor's income in all computations
Fitchburg	disregard minor's income
Holyoke	consider only for rental determination, because authority needs the income, many minors however take up legal residences in cheap rooming houses so their families need not pay increased rents favor including only 10% of minor's income for rental determina- tion
Lawrence	consider total family income for all computations
Lowell	feel minor's income is temporary and sporadic
Lynn	consider only if is full-time, regular and contributes to the support of the family
Malden	no information

New Bedford	consider for initial eligibility and rental determination but not for continued occupancy favor elimination in all computations because is temporary income which the family does not receive, notes problem in that authority needs the increased income
Quincy	not consider if periodic
Somerville	consider for all computations
Watertown	consider 25% of minor's income for all computations
Westfield	consider total minor's income in all computations verify income statement with head of family favor elimination of minor's income in all computations
Worcester	attempt to enforce policy of considering total family income for all computations, but feel the present system is inequitable and unenforceable

*information compiled from interviews

TABLE 8

ATTITUDES ON RAISING INCOME LEVELS AND POLICY OF HANDLING OVER-INCOME TENANTS FOR 20 AUTHORITIES*

Arlington	present income limits unrealistic, but adhered to, attempt drive out over-income tenants by raising rents
Boston	favor raising income levels to cover persons not able to find subsidized housing or low-income private units about 10% of tenants are over-income 34.3% state-aided family tenants on public assistance 40.5% state-aided elderly on public assistance
Brockton	favor state-federal uniformity 329 out of 829 tenants on public assistance
Brookline	want more flexible system of handling over income tenants have informally adjusted income limits upward to meet needs of community 171 out of 651 tenants on public assistance
Cambridge	favor raising income limits over federal limits 450 out of 1693 tenants on public assistance
Chelsea	favor raising income limits so as to raise quality of tenants no income limits for elderly close eyes to over-income families so can keep more stable families
Chicopee	favor raising income limits send form to over-income tenants 213 out of 915 tenants on public assistance
Fall River	favor raising income limits above federal limits not force out over income, send them eviction notice, then schedule hearing at which judge extends the length of occupancy 614 out of 1706 tenants on public assistance
Lawrence	no information
Lowell	822 out of 1485 tenants on public assistance
Lynn	should correlate state and federal income limits notify but not evict over-income tenants 250 out of 1191 tenants on public assistance
Malden	favor raising income limits send eviction notice to over-income tenants, but favor system of increasing rent of over-income tenants to 25% of income and allowing them to remain in housing 30% of families, 80% of elderly on public assistance

New Bedford	19 out of 1305 over-income 673 out of 1305 tenants on public assistance
Quincy	favor raising income levels increase rent for over-income tenants who must product affidavit saying they have tried to find suitable accomodations, number of children determines whether or not they are allowed to remain in public housing
Somerville	favor raising income limits attempt to raise rents of over-income, no program for eviction, authority needs over-income to balance the minimum rents paid by other tenants 20% of families over-income 382 out of 1069 tenants on public assistance
Watertown	informally adjust income limits to correspond with affluent community 24% tenants over-income, not evict 25 out of 268 tenants on public assistance
Westfield	notify over-income 15 out of 164 tenants on public assistance
Worcester	50% tenants on public assistance

*information compiled from interviews

APPENDIX A

AN ACT PROVIDING FOR FULL DEBT SERVICE OF THE OBLIGATIONS OF HOUSING AUTHORITIES.

SECTION 1. Section 34 of chapter 121B is hereby amended by striking the first sentence of subsection (b) and substituting in place thereof the following:

- 1 Each contract for financial assistance or supplementary
- 2 state financial assistance shall provide that the common-
- 3 wealth will pay to the housing authority annual contri-
- 4 butions.

SECTION 2. Section 34 of chapter 121B is hereby amended by striking the second sentence of the second paragraph of subsection (b) and substituting the following:

- 1 The annual contributions for any one project shall be
- 2 payable in an amount sufficient to pay full debt service for
- 3 the project as determined by the department, and for the
- 4 fixed period during which the notes or bonds or both
- 5 issued to finance the cost of the project or any refunding
- 6 notes or bonds or both remain outstanding but in no event
- 7 for more than forty years after the completion date of the
- 8 project, as determined by the department.

SECTION 3. Section 34 of chapter 121B is hereby amended by striking the second sentence of the fourth paragraph of subsection (b) and substituting the following:

1 The annual contributions for any one project shall be
2 payable in an amount sufficient to pay full debt service for
3 the project as determined by the department, and for the
4 fixed period during which the notes or bonds or both
5 issued to finance the cost of the project or any refunding
6 notes or bonds or both remain outstanding, but in no
7 event for more than forty years after the completion date
8 of the project, as determined by the department.

1 SECTION 4. Section 34 is hereby amended by striking
2 the fifth paragraph of subsection (b).

SECTION 5. Section 41 of chapter 121B is hereby amended by striking the third sentence of the first paragraph and substituting in place thereof the following:

1 Each contract for state financial assistance shall provide
2 that the commonwealth will pay to the housing authority
3 annual contributions equal to the cost of full debt service
4 of the bonds and notes or either bonds or notes of the
5 housing authority issued to finance the cost of such
6 project or projects.

1 SECTION 6. Section 41 of chapter 121B is hereby
2 amended by striking the second paragraph thereof.

APPENDIX B

AN ACT PLACING A CEILING ON RENT LEVELS FOR
ELDERLY PUBLIC HOUSING TENANTS.

Section 40 of chapter 121B is hereby amended by adding at the end of subsection (e) the following new paragraph:

1 Notwithstanding any provision to the contrary, no
2 elderly person of low income shall be required to pay more
3 than 30% of his or her income for rent for housing built
4 under this chapter, and any deficiency in the budget of a
5 housing authority caused thereby shall be reimbursed by
6 the commonwealth in an increase in annual contributions
7 under section 41.

APPENDIX C

AN ACT REQUIRING THE BUILDING OF MORE PUBLIC HOUSING.

SECTION 1. Section 3 of chapter 121B is hereby amended by striking the second sentence of the second paragraph and substituting in place thereof the following:

1 Whenever the department shall determine that a housing
2 authority is needed within a city or town for such
3 proposes, it shall notify the municipal officers or the
4 selectmen of such city or town to provide for the
5 organization of such an authority by filing a certificate of
6 appointment or of appointment and election as the case
7 may be, under section 5. If the city or town fails to file a
8 certificate under section 5 within 90 days of being
9 requested to do so by the department, the department
10 may act as a duly qualified housing authority within such
11 city or town. In determining the need for a housing
12 authority, the department, the city council or the town
13 shall take into consideration the need for relieving conges-
14 tion of population, the existence of substandard, decadent
15 or blighted open areas or unsanitary or unsafe inhabited
16 dwellings, and the shortage of safe or sanitary dwellings
17 available for families or elderly persons of low income at
18 rentals which they can afford.

SECTION 2. Chapter 121B as inserted by chapter 751 of the Acts of 199 is hereby amended by adding the following new section:

1 Section 26A. A housing authority shall have the
2 continuing obligation to provide safe, well-designed and
3 sanitary housing, satisfying the requirements of this
4 chapter, for all persons and families of low income within
5 its city or town who do not have adequate housing at
6 rentals which they can afford. In order to satisfy this
7 obligation, a housing authority must, to the extent that
8 funds are available from state or federal sources, build,
9 acquire newly built units or rehabilitate, begin to build or
10 rehabilitate, cause to be built or rehabilitated or submit to
11 the department or to the department of housing and urban
12 development, final applications for approval and funds to
13 build, acquire or rehabilitate in each calendar year, units
14 equal to the greater of ten percent of the number of
15 persons on all its waiting lists eligible for low rent housing,
16 or ten percent of the need for low rent housing in the city
17 or town as determined by the latest decennial census or by
18 more current reliable information approved by the depart-
19 ment.

20 If the department finds that a housing authority has
21 failed to meet this obligation, it shall be empowered to act
22 as a housing authority within the locality with all the
23 rights, powers and obligations of housing authorities to
24 plan, build, acquire, lease, operate and convey low rent
25 housing until it is satisfied that the need for low rent
26 housing has been met, or that the local housing authority
27 is willing and capable of satisfying the obligation imposed
28 by this section. The obligation of a housing authority
29 under this section shall be cumulative to the extent that
30 any authority fails to meet these requirements for any one
31 year the deficiency must be made up the following year or
32 the department may continue to act as a housing author-
33 ity.

SECTION 3. Section twenty-seven of chapter one hundred and twenty-one B as inserted by chapter seven hundred and fifty-one of the Acts of one thousand nine hundred and sixty-nine is hereby amended by striking the last sentence and substituting in place thereof the following:

1 Except as provided in section 26A, upon the organi-
2 zation of a housing authority in such a city or town, all the
3 rights, titles, powers, duties and obligations of a housing
4 authority acquired or exercised by the department with
5 respect to such housing shall immediately vest in such
6 housing authority.

APPENDIX D

AN ACT TO ENCOURAGE THE USE OF THE CHAPTER 705 PROGRAM.

Section 39 of chapter 121B is hereby amended by striking the first paragraph and substituting the following:

1 Section 39. The housing authority of each city or town
2 organized under section three shall have power to provide
3 housing for elderly persons of low income either in
4 separate projects or as a definite portion of any other
5 projects undertaken under sections twenty-five to forty-
6 four, inclusive, of this chapter, or in remodeled or
7 reconstructed existing buildings, provided that no such
8 housing shall be approved unless for every five or fewer
9 new units of housing for elderly persons of low income
10 provided, one unit of new family housing under section 34
11 is provided and the provisions of section one to forty-four,
12 inclusive, of this chapter shall, so far as apt, be applicable
13 to projects and parts of projects undertaken under sections
14 thirty-eight through forty-one except as otherwise pro-
15 vided in section forty or elsewhere in this chapter.

APPENDIX E

AN ACT PROVIDING FOR FUNDS FOR THE RENOVATION
OF EXISTING HOUSING PROJECTS.

SECTION 1. Section 26 of chapter 121B of the General Laws as appearing in chapter 751 of the Acts of 1969 is hereby amended by inserting after subsection (i) thereof the following subsection:

- 1 (j) To undertake as a separate project the renovating,
- 2 remodeling, reconstructing, landscaping and improving of
- 3 existing housing projects or parts thereof.

SECTION 2. Chapter 121B of the General Laws as appearing in chapter 751 of the Acts of 1969 is hereby amended by adding after section 58 thereof the following new section:

- 1 Section 59. The Commonwealth, acting by and through
- 2 the department, may amend an existing contract (or, if
- 3 outstanding notes or bonds are not to be refunded, shall
- 4 enter into a new contract) with a housing authority for
- 5 state financial assistance in the form of a guarantee of
- 6 bonds and notes or either bonds or notes, of the housing
- 7 authority issued to finance the cost of renovating, re-
- 8 modeling, reconstructing, landscaping and improving exist-
- 9 ing housing projects or parts thereof assisted by the
- 10 commonwealth pursuant to Section 34 or 41 of this
- 11 chapter, and to refund such outstanding bonds or notes as
- 12 are to be refunded in connection therewith. All of the
- 13 provisions of this chapter applicable to a housing project
- 14 and to the existing contract for financial assistance with

15 respect thereto shall also apply to the contract as so
16 amended, so far as apt, except that the principal amount
17 of that portion of notes or bonds issued for the purpose of
18 financing the cost of renovating, remodeling, recon-
19 structing, landscaping or improving such housing project
20 (and not issued for the purpose of refunding outstanding
21 notes or bonds with respect to the existing project) may be
22 for a term of, and amortized over, a period approved by
23 the department, but not in excess of fifty years after the
24 completion date of the original project, as determined by
25 the department. The amount of bonds and notes, guaran-
26 teed by the commonwealth under this section shall not
27 exceed fifteen million dollars in the aggregate for all
28 projects financed pursuant to this section, exclusive of any
29 such notes and/or bonds which may be issued to refund
30 outstanding notes or bonds. Each such amendment of the
31 existing contract (or new contract for financial assistance
32 entered into pursuant to this section shall provide that the
33 commonwealth will pay to the housing authority annual
34 contributions, provided, however, that the total amount of
35 annual contributions contracted for by the commonwealth
36 for any one year pursuant to this section shall not exceed
37 seven hundred fifty thousand dollars. Each such annual
38 contribution by the commonwealth to such housing
39 authorities shall be paid by the commonwealth upon
40 approval and certification by the commissioner of the
41 department to the state comptroller.

42 Each such amendment of the existing contract (or new
43 contract) entered into pursuant to this subdivision shall
44 contain a provision that the annual contributions shall be
45 used for the payment of interest on, and principal of,
46 notes and/or bonds of the housing authority. The addi-
47 tional annual contributions made pursuant to this sub-
48 division for any one project shall not exceed five per cent
49 of the cost of such renovation, remodeling, reconstruction,
50 landscaping and improvements as approved by the depart-
51 ment of community affairs and for the fixed period during
52 which the notes and/or bonds issued to finance such costs
53 remain outstanding but in no event for more than fifty

54 years after the completion date of the original project, as
55 determined by the department. Each such contract or
56 amendment of the existing contract shall provide that
57 whenever in any year the receipts of a housing authority in
58 connection with a project exceed its expenditures for that
59 project, including debt service, payments in lieu of taxes,
60 administration, establishment of reserves and other costs,
61 as determined by the department, an amount equal to such
62 excess, as the department shall prescribe, shall be applied,
63 or set aside for application, for purposes which shall effect
64 a reduction in the amount of subsequent annual contri-
65 butions, provided, that, notwithstanding the foregoing or
66 any other provision of this chapter, the principal of and
67 interest on such notes and/or bonds shall be payable solely
68 from annual contributions by the commonwealth or from
69 other sources which do not adversely affect the rights of
70 the holders of any outstanding notes or bonds. The full
71 faith and credit of the commonwealth is hereby pledged to
72 the payment of all contributions contracted by the
73 commonwealth pursuant to this subdivision.

74 In addition to said annual contribution, the common-
75 wealth shall upon approval and certification by the
76 commission of the department to the state comptroller,
77 pay an additional annual contribution of two per cent of
78 the cost of such renovation, remodeling, reconstruction,
79 landscaping and provements during any fiscal year, pro-
80 vided that such renovation, remodeling, reconstruction,
81 landscaping or improvements shall have been determined
82 to be completed and eligible to receive such annual
83 contributions by said department; and provided further,
84 that the commissioner of said department finds that the
85 combined revenue and subsidy of said project is insuf-
86 ficient to meet the cost of operation and debt service. The
87 additional annual contributions authorized under this
88 paragraph shall not in any one year exceed three hundred
seventy-five thousand dollars.

in Chapter 751 of the Acts of 1969 is amended by adding the following Section 60:

1 The department shall establish rules and regulations for
2 the implementation of projects under Section 59 and for
3 the extending of state assistance therefor, which shall
4 require among other things, housing authorities to estab-
5 lish and maintain with respect to any project under
6 Section 59 assisted hereby, a program for resident partici-
7 pation in: the planning of renovation, remodeling, recon-
8 struction, landscaping and improvement to be financed
9 under Section 59; the establishment and amendment of
10 management policies and practices; the establishment and
11 amendment of rental and occupancy policies and proce-
12 dures; and the establishment of community service pro-
13 grams and the planning of community facilities. Before
14 entering into an amendment of any existing contract for
15 financial assistance with a housing authority pursuant to
16 Section 59, the department shall find and certify that such
17 housing authority has established such a program.

APPENDIX F

AN ACT ESTABLISHING A WAITING LIST IN STRICT CHRONOLOGICAL ORDER OF APPLICATION, AND INCREASING INCOME LIMITS IN PUBLIC HOUSING.

SECTION 1. Section 32 of chapter 121B is hereby amended by striking subsection (f) and substituting the following:

1 (f) Notwithstanding any other provision of this chapter,
2 admission of eligible persons or families to any state aided
3 low-rent housing, shall be strictly in order of application
4 for such units according to the following procedure: all
5 pending applications for admission, as well as future
6 applications for admission received by a housing authority
7 shall be stamped with the time and date of receipt and
8 given an ascending number in the order of receipt, and
9 every applicant shall be given at the time of application a
10 record of his or her number and of the time and date of his
11 or her application. If it is impractical to give a number at
12 the time of application because applications are received
13 by a housing authority at several places, a number in
14 ascending chronological order of application must be given
15 to every applicant within one week following his or her
16 application. After verification of eligibility, each eligible
17 applicant shall be placed by his or her number, the lowest
18 number first, in whichever of the following waiting lists or
19 sublists is suitable for such eligible person or family
20 applying: (1) a list for persons or families who occupied
21 the dwellings eliminated to build the project for which
22 they are applying, subdivided by sublists for veterans and

23 non-veterans, and by the number of bedrooms needed;
24 (2) a list for persons or families displaced by other public
25 action, subdivided for elderly or family housing and by
26 sublists for veterans and non-veterans, and by the number
27 of bedrooms needed; (3) a list for emergency cases
28 subdivided both for elderly or family housing and by
29 sublists for the number of bedrooms needed, provided that
30 an application shall be considered for the emergency list
31 only if the person or family applying is living in premises
32 that create an imminent danger to their health or safety
33 and provided further that such determination shall be
34 subject to the prior approval of the department; (4a) a list
35 for applicants eligible for elderly housing, subdivided by
36 the number of bedrooms needed; and (4b) a list for
37 applicants eligible for family housing subdivided by sub-
38 lists for veterans and non-veterans and by the number of
39 bedrooms needed. For the purpose of this section, public
40 action shall include, without limitation, takings by emi-
41 nent domain, and the enforcement of the minimum
42 standards of fitness for human habitation established by
43 the state sanitary code and other applicable local ordi-
44 nances, by-laws, rules or regulations. The waiting lists for
45 elderly persons or families shall separately reflect applica-
46 tions of handicapped persons under section 40 for spe-
47 cially equipped units. All waiting lists and sublists shall be
48 kept current within every subdivision by removing the
49 numbers corresponding to persons or families who have
50 accepted dwelling units, or who have withdrawn their
51 applications, or who have not accepted one of the first
52 three units available for them within their subdivision. The
53 current list shall be made available for inspection by the
54 public in the central office of every housing authority and
55 in each other office of the authority that receives
56 applications for admission at reasonable business hours.
57 Such waiting lists shall also be open to inspection of the
58 department. Available units shall be offered to the
59 applicant with the lowest number on the appropriate list
60 and sublist considering the type of housing and the number
61 of bedrooms available, provided that all persons or families

62 on list number (1) eligible for the unit available by number
63 of bedrooms needed shall be offered the unit before any
64 other list is used; and if the unit is still available after such
65 list is exhausted, then it shall be offered to all eligible
66 persons on list number (2); and if the unit is still available
67 after such list is exhausted, then it shall be offered to all
68 persons eligible for elderly or family units as appropriate
69 on list number (3); and if the unit is still available after
70 such list is exhausted, then it shall be offered to all eligible
71 persons on list number (4a) or (4b) as appropriate.
72 Wherever a list is subdivided into sublists for veterans and
73 non-veterans, the veterans sublist shall be used first in
74 allocating available units. Families of deceased veterans
75 shall be considered veterans. It is the intent of this
76 subsection that applicants within the proper sublist are to
77 be taken in strict chronological order of application. Any
78 person whose application is not given a number in
79 chronological order of receipt within a week of applica-
80 tion, or whose number within the proper sublist is not
81 given preference in admission according to the order of
82 receipt of application, may file a complaint with the
83 department for review. The department may order that a
84 list be revised in order to effectuate the purposes of this
85 subsection.

SECTION 2. Section 32 of chapter 121B is hereby amended by striking the first sentence of section (c) in the second paragraph and substituting in place thereof the following:

1 (c) It shall not accept as a tenant any person or family
2 whose net annual income at the time of admission exceeds
3 the limit set from time to time by the department for
4 admission into low rent housing for the city or town in
5 which such authority operates. The limit set shall so far as
6 possible be equivalent to the limit set for eligibility for
7 continued occupancy for families of comparable size in
8 federally aided low rent housing within such city or town,
9 and the department shall take into consideration the need

- 10 for uniformity from town to town and within regions in
11 setting such limits.

SECTION 3. Section 44 of chapter 121B is hereby amended by striking subsection (a) and substituting in place thereof the following:

- 1 (a) as between applicants, who need not be residents of
2 the city or town, who applied at the same time and who
3 are eligible for occupancy, preference shall be given in the
4 selection of tenants to the following types of applicants;
5 first to families with four or more minor dependents, then
6 to families displaced by public action, and then to elderly
7 persons of low income; provided, however, that in the case
8 of any project financially assisted by the federal govern-
9 ment, preference shall be given in the selection of tenants
10 in whatever manner is required by federal legislation.

APPENDIX G

AN ACT TO REIMBURSE CITIES AND TOWNS FOR TAXES
LOST IN PROVIDING LOW RENT HOUSING.

Chapter 121B is hereby amended by adding after section 34 the following new section:

1 Section 34A. Upon certification by the state tax
2 commission the state treasurer shall make to every city and
3 town a payment in lieu of taxes for all real property in
4 such city or town owned by any housing authority used
5 for the purpose of providing low rent housing, subsidized
6 by the commonwealth or by the federal government,
7 provided that such housing has been acquired, constructed
8 or rehabilitated after June 30, 1970. The payment due
9 shall be determined by taking the assessed value of such
10 land and buildings in the last year preceding acquisition by
11 a housing authority plus a percentage of that assessed value
12 equal to the average increase in the tax assessments of such
13 city or town in the year for which reimbursement is
14 sought, and by multiplying such adjusted total value by
15 the tax rate of such city or town in such year. In order to
16 be reimbursed under this section, each city or town must,
17 within ten days after the setting of the tax rate for such
18 city or town, certify the adjusted total value of the real
19 property to be reimbursed and the tax rate set in such city
20 or town. The amount of reimbursement requested under
21 this section by a city or town shall be subject to
22 verification or adjustment and approval by the state tax
23 commission, and after being approved shall be certified by
24 such commission to the state treasurer who shall pay such
25 amount by the twentieth day of November.

APPENDIX H

AN ACT PROVIDING FOR POLICE PROTECTION.

Section 32 of chapter 121B is hereby amended by adding at the end of the first paragraph the following new subsection:

- 1 (e) to provide, for every project containing more than
- 2 two hundred units, regardless of whether it is state or
- 3 federally aided, one foot patrolman for every two hundred
- 4 units, to be on duty from noon until 11 P.M. or such
- 5 period as the department may require. The patrolman on
- 6 duty shall be a member of a public police department.

APPENDIX I

AN ACT PROVIDING MORE LOW RENT HOUSING FOR HANDICAPPED PERSONS.

SECTION 1. Section 40 of chapter 121B is hereby amended by adding at the end of subsection (a) the following:

1 For the purpose of admission to housing for the elderly,
2 single handicapped persons, or families whose primary
3 wage earner is handicapped, shall be eligible for admission
4 to such housing, regardless of their age, provided that such
5 persons otherwise meet the eligibility standards required
6 for admission under section 32, and provided that suitable
7 units are available. A person shall be considered handicap-
8 ped if such person, pursuant to regulations issued by the
9 department, is considered to have an impairment such as,
10 but not limited to blindness which is expected to be of
11 long, continual and indefinite duration and which substan-
12 tially impedes his ability to live independently in conven-
13 tional housing.

SECTION 2. Section 40 of chapter 121B is hereby amended by adding at the end of subsection (c) the following:

1 The department shall require that all projects built after
2 July 1, 1970, under section 39 through 41 be designed and
3 constructed so as to help alleviate the shortage of low rent
4 housing for eligible persons who are handicapped as
5 defined in subsection (a), within such city or town.

APPENDIX J

AN ACT PERMITTING HOUSING AUTHORITIES TO COM-
BINE THEIR FUNCTIONS.

Chapter 121B is hereby amended by inserting after section 3 the following new section:

1 Section 3A. Any number of cities or towns may, with
2 the approval of their respective municipal officers and of
3 the department, create or disband by contract, a regional
4 housing authority, with all the powers and obligations of
5 the constituent authorities, to act in the place of the
6 several housing authorities, if any, theretofore existing.
7 Such contract shall set forth the rights, powers and
8 obligations of the regional housing authority within the
9 several cities or towns in which it is to operate. Any
10 unresolved dispute which may arise as to the rights, powers
11 or obligations conferred by such contract shall be referred
12 to the department for resolution.

APPENDIX K

AN ACT ELIMINATING RESIDENCY REQUIREMENTS.

SECTION 1. Section 32 of chapter 121B is hereby amended by striking the first sentence of subsection (e).

SECTION 2. Section 34 of chapter 121B is hereby amended by striking the second sentence of subsection (e) and substituting the following:

1 In offering for sale residences constructed under this
2 section, preference to potential buyers shall be given
3 whenever reasonably possible as follows: (1) veterans
4 tenants of such residences; (2) all other World War II
5 veterans, as defined in section seven of chapter 4;
6 (3) surviving widows and mothers of said veterans of World
7 War II; (4) all other United States war veterans; (5) all
8 other citizens of the commonwealth; (6) a corporation
9 organized pursuant to chapter 121A; (7) tenant organiz-
10 ations; (8) corporations organized pursuant to chapter 180
11 of the general laws; and (9) all others.

APPENDIX L

AN ACT EXEMPTING TUITION COSTS FROM INCOME FOR PURPOSES OF PUBLIC HOUSING RENT.

Section 32 of chapter 121B is hereby amended by striking the fourth paragraph of subsection (g) and substituting the following:

1 In determining the net income of the tenant family for
2 the purpose of computing the rent and determining
3 eligibility for admission and continued occupancy, pro-
4 ceeds paid to such tenant family from policies of insurance
5 including without limitation, annuities, and payments,
6 including scholarships and fellowships, for tuition for
7 educational purposes on behalf of any member of the
8 family shall be excluded from income.

APPENDIX M

AN ACT TO PROVIDE AN EQUITABLE RENT IN PUBLIC HOUSING FOR OVER-INCOME TENANTS AND FOR PARENTS OF MINORS AND STUDENTS.

Section 32 of chapter 121B is hereby amended by striking the last two sentences of section (c) in the second paragraph and substituting in place thereof the following:

1 For the sole purpose of determining eligibility for
2 admission and for setting rents, it shall allow, from the net
3 income of any family, an exemption for each minor
4 member of the family (other than the head of the family
5 and his spouse) of all of the net annual income of such
6 minor. For the purpose of this subsection, a minor shall
7 mean a person less than twenty-one years of age, or a full
8 time student. A tenant may remain in a low rent housing
9 project if his or her income rises above the limit set for
10 eligibility for continued occupancy, provided that such
11 tenant pays the full prorated cost of the unit provided, up
12 to 20% of his or her income if the cost of utilities is not
13 included in the rent, or up to 25% of his or her income if
14 utilities are included in the rent. The limit for eligibility
15 for continued occupancy shall be set by the department at
16 an appropriate level for every city or town considering the
17 limit set for eligibility for admission in such city or town,
18 and the need for uniformity of limits within regions.

APPENDIX N

AN ACT PREVENTING THE IMPOSITION OF PENALTY
CHARGES TO ENABLE EVICTING WITHOUT A HEARING.

Section 32 of chapter 121B is hereby amended by adding at the end of the fifth paragraph of subsection (g) the following:

- 1 For the purposes of this paragraph, rent shall include
- 2 only the amount due in consideration for the services
- 3 provided under this section and shall not include without
- 4 limitation any disputed charges for repair, late charges,
- 5 penalty charge or interest.

APPENDIX O

AN ACT FURTHER DEFINING THE FINANCING OF RETIREMENT RIGHTS OF CERTAIN VETERANS EMPLOYED BY HOUSING AUTHORITIES.

Section sixty of chapter thirty-two of the General Laws as most recently amended by chapter 128 of the Acts of 1967 is further amended by adding at the end the following paragraph:

- 1 Sections fifty-six to fifty-nine, inclusive, of said chapter
- 2 thirty-two, insofar as they relate to employees of housing
- 3 authorities shall be financed in whole or in part by funds
- 4 paid into teachers, municipal, county or state retirement
- 5 contributory systems as provided in said chapter thirty-
- 6 two for the account of the employee by the employing
- 7 agency or agencies during the period or periods of his
- 8 employment.
- 9 When an employee of a housing authority has retired
- 10 under the provisions of sections fifty-six to fifty-nine,
- 11 inclusive, then all payments by the housing authority into
- 12 a municipal retirement system for the employee's account
- 13 as well as all prior payments by an employing agency or
- 14 agencies into a teachers, municipal, county or state
- 15 retirement contributory system for the employee's ac-
- 16 count shall be transferred forthwith with accumulated
- 17 income and interest to the housing authority which is
- 18 required to pay the retirement allowance.

APPENDIX P

Ordered, That the committee on Urban Affairs be authorized to sit during the recess of the General Court to investigate and study the subject of low income housing. Said committee shall have the power to summon witnesses, subpoena records relevant to its investigation, and to hire research, legal, and clerical employees and travel within and without the Commonwealth. Said committee shall report to the General Court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the House clerk on or before the last Wednesday of December 1970.

J20
M
Massachusetts, Commonwealth
of
Report of the Joint Committee on Urban
Affairs Relative to Public Housing.

